IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. 1:15-cv-13367
	)	
v.	)	Judge Burroughs
	)	
MONICA TOTH,	)	
	)	
Defendant.	)	
	)	

PLAINTIFF UNITED STATES' MOTION FOR EXTENSION

The United States moves pursuant to Rule 6 of the Federal Rules of Civil Procedure for an extension of time until July 11, 2016, to respond to docket entries 20-22, to the extent that any response is required (as proper service of process regarding the new causes of action was never made).

As background, the Court previously entered the defendant's default. The Court granted defendant Toth several extensions of time to respond to the United States' pending motion for default judgment. At ECF 16, defendant Toth requested an extension of time to "file my response" and at ECF 17, the Court granted the extension and ordered that her "[r]esponse [is] due [on] 4/27/16. Defendant Toth filed ECF 20 through 22 a day late (on April 28, 2016), according to the Clerk's stamp on the face of each document. These documents include a counterclaim against the United States, a separate document styled as a motion for declaratory judgment, and an opposition (entitled "motion") to one of the United States' filings.

A default of Ms. Toth remains in place. A defaulted party may not file new causes of action within the same case or file new motions to which a response is required until the default is vacated. The Court did not give the defendant leave to file new causes of action. The new causes of action have not yet been properly served. One of the defendant's filings insinuates that Rule 11 sanctions might be appropriately imposed against undersigned counsel.

Undersigned counsel reviewed these filings and found the claims therein wholly meritless, mostly frivolous, and at best, difficult to understand. Defendant Toth's claims may be mooted by the entry of default judgment. They are also likely to be withdrawn if she hires an attorney. For these reasons, the United States requests that the Court grant the United States an extension of time to respond to the pending motions and counterclaims filed by Ms. Toth at ECF 20 – 22. An extension of time until July 11, 2016, is needed because Ms. Toth received another 30 day extension during the hearing on April 29, 2016, and no hearing is set. Thus, approximately 45 or more days will pass before the claims she makes in these filings will be mooted or withdrawn.

For these reasons, the United States requests an extension until July 11, 2016.

WHEREFORE, the United States requests the Court extend the time that a response is required to ECF 20 through 22, until July 11, 2016.

Counsel for the Plaintiff United States of America,

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Certificate of Service

I hereby certify that a true copy of the above document was served upon the following party by mail on May 13, 2016:

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/s/Andrew A. De Mello
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